

27 SEP 2000



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#3

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In re Application of	:	
POULIN et al.	:	
Application No.: 09/529,319	:	DECISION ON
PCT No.: PCT/US98/07806	:	
Int. Filing Date: 21 April 1998	:	PETITION UNDER
Priority Date: None	:	
Attorney Docket No.: ILEX:040/HYL	:	37 CFR 1.137(b)
For: POLYAMINE TRANSPORT INHIBITORS	:	

This decision is in response to the petition entitled "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" filed 11 April 2000.

BACKGROUND

On 21 April 1998, applicants filed international application PCT/US98/07806. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 28 October 1999. The twenty-month period for paying the basic national fee in the United States expired at midnight on 21 December 1999.

On 11 April 2000, applicants filed the instant "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)". The petition was accompanied by, *inter alia*: a copy of the international application; the basic national fee; and the petition fee.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicants submitted the basic national fee on 11 April 2000. Note that the basic national fee is \$840.00 rather than the \$930.00 submitted by applicants. The difference has been refunded.

As to item (2), the requisite petition fee was submitted on 11 April 2000. Note that the petition fee is \$1,210.00 rather than the \$1,320.00 submitted by applicants. The difference has been refunded.

With regard to item (3), petitioner's statement that "[t]his application became abandoned unintentionally" has been construed as meaning that "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional." If this interpretation is incorrect, applicant must *immediately* notify the PCT Legal Office of such fact.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is GRANTED for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision, including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497(a)-(b).



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